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Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
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March 10, 2015

Certified and Regular Mail
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Timothy B. Johnson, P.L.S.
445 Coffeetown Road
Easton, PA 18042

RE: I/M/O Timothy B. Johnson, P.L.S.
Case No. 99997

Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint

Dear Mr. Johnson:

This letter is to advise you that the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the ("Board")) has had an opportunity to review information concerning your professional conduct in connection with surveys prepared by you for properties located on River Road in Pohatcong Township, New Jersey.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of:

1. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(a) and (c) in that you failed to render a complete and accurate survey, including: (a) failure to show correct vertical datum conversions for flood zones; (b) failure to show correct dimensions of Lot 8; (c) failure to identify the person or firm who performed the wetlands delineation; (d) failure to show the measurements for the wetlands that you located; and (e) failure to properly identify the railroad property as a separate, adjacent property.
2. N.J.S.A. 45:8-36.3 and N.J.A.C. 13:40-3.5(a)(14) for failure to comply with N.J.A.C. 13:40-5.1(d) and 5.2, in that you failed to set the property corner markers and/or obtain a corner marker waiver, which constitutes professional misconduct.

3. N.J.S.A. 45:8-56 for failure to obtain a Certificate of Authorization for your firm "Johnson Surveying & Construction Services, Inc." to offer to provide land surveying services in New Jersey.
4. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(1) in that you failed to comply with the title block provisions set forth in N.J.A.C. 13:40-8.3(a) by failing to show the date when signed and, further, the proper corporate name of your firm.
5. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(3) in that you failed to properly show the North arrow, identifying the horizontal datum of the survey (for example, NAD27, NAD83; magnetic, deed book and page, etc.) and scale.
6. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(4) in that you failed to properly show the Point of Beginning.
7. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(6) in that you failed to properly show the corner markers, both found or set.
8. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(8) in that you failed to properly show encroachments.
9. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(9) in that you failed to properly show a stream and JCP&L easement.
10. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-7.3(a) in that you prepared a site plan with your title block, although you did not sign the plan.

As a result of the foregoing, the Board has preliminarily determined that the above violation is sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you consent to the following terms:

1. Agree to a formal reprimand upon your signing of the acknowledgment at the bottom of this letter in connection with above violations.

2. Payment of a civil penalty totaling \$10,000.00 to be paid immediately upon your signing of the acknowledgment at the bottom of this letter for the following violations:
 - (a) \$3,000.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(a) and (c).
 - (b) \$2,500.00 for violation of N.J.S.A. 45:8-36.3 and N.J.A.C. 13:40-3.5(a)(14) for failure to comply with N.J.A.C. 13:40-5.1(d) and 5.2.
 - (c) \$1,000.00 for violation of N.J.S.A. 45:8-56.
 - (d) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(1) in that you failed to comply with the title block provisions set forth in N.J.A.C. 13:40-8.3(a).
 - (e) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(3).
 - (f) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(4).
 - (g) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1 (f)(6).
 - (h) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1 (f)(8).
 - (i) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(f)(9).
 - (j) \$500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-7.3(a).
3. Immediately cease and desist from operating under "Johnson Surveying & Construction Services, Inc." until such time as you have obtained the required Certificate of Authorization to offer and/or provide land surveying services in New Jersey.
4. Provide proof of successful completion, to the Board's satisfaction, of a minimum of sixteen (16) hours of continuing education in the area of boundary line retracements and principles, and four (4) hours of continuing education in the area of ethics, all of which must be pre-approved by the Board, within ninety (90) days of your signing of the acknowledgment at the bottom of this letter. Said continuing education shall not count towards the fulfillment of the requirements for any biennial renewal period.

In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal proceedings. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, you may be assessed civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Michelle Albertson, who may be reached at (973) 648-7297.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of formal proceedings.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

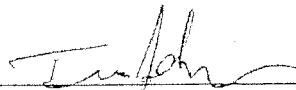
By: 

KARL W. REIDEL
Executive Director

cc: B. Michelle Albertson
Deputy Attorney General

cc: Robyn S. Rubin, Esq.

ACKNOWLEDGMENT: I, Timothy B. Johnson, P.L.S., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter is a public document. I hereby agree to a formal reprimand and the immediate payment of a total civil penalty of \$10,000.00. I further agree to immediately cease and desist from operating under "Johnson Surveying & Construction Services, Inc." until such time as I have obtained the required Certificate of Authorization from the Board. Finally, I agree to complete the continuing education as set forth herein above.


Timothy B. Johnson, P.L.S.

DATED: _____

5/1/15